

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KUANG-BAO P. OU-YOUNG,
Plaintiff,

v.

EDWARD LEAVY; CONSUELO M.
CALLAHAN; CARLOS BEA,
Defendants.

Case No. 19-mc-80254

**ORDER AUTHORIZING FILING OF
COMPLAINT**

Plaintiff Kung-Bao P. Ou-Young has been declared a vexatious litigant and is subject to a pre-filing order which specifically requires him to “obtain leave of court before filing any further suits alleging any violations of the federal criminal statutes, pursuant to 18 U.S.C. § 1512(b), 18 U.S.C. § 371, and the FTCA, codified at 28 U.S.C. § 2671 *et seq.*” involving parties he named in Case No. 13-4442 or in Mr. Ou-Young’s prior cases in this District. *See* Docket Item No. 40, Case No. 3:13-cv-04442-EMC.

In the present case, the Complaint does not involve any defendants named in the suits outlined by Judge Chen in the pre-filing order. Nor does the Complaint allege violations of the federal criminal statutes, pursuant to 18 U.S.C. § 1512(b), 18 U.S.C. § 371, or the FTCA. Instead, Mr. Ou-Young names Judges Edward Leavy, Consuelo M. Callahan, and Carlos Bea as defendants and alleges violations of “both the Fifth Amendment privilege against self-incrimination and the right to self-representation under the Sixth Amendment.” Complaint ¶ c1. Therefore, Mr. Ou-Young’s Complaint is not within the scope of the pre-filing order.

As the General Duty Judge, the Court finds that the Complaint is not subject to pre-filing review. Accordingly, the Clerk of Court is directed to accept the Complaint for filing upon

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1 payment of the filing fee or application to proceed in forma pauperis and to assign the case to an
2 available Judge.

3 **IT IS SO ORDERED.**

4 Dated: October 17, 2019

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6 EDWARD J. DAVILA
7 United States District Judge
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